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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING 22334.3 REJECTION OVER A PRIOR PATENT In re Application of: Allen Berger, Jr. Application No.: 10/244,842 Filed: September 17, 2002 For: SURFACE MOUNT WINDOW FOR DOORS 100 percent interest in the instant applic tion hereby \_\_\_, of . disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instal : application, The owner, Allen Berger, Jr. which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,698,145 . The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and durin; such period that it and the pr or patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upor the grantee, In making the above disclaimer, the owner does not disclaim the tenninal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later, expires for fa ure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, a reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowler ge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 100° of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an attorney or agent of record. Sign iture Allen Berger, Jr. Typed or printed name 305-447-1617 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. \*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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